



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,793	12/12/2001	Stephen Ray Wurzburger	RSSW13	3436

7590 07/28/2005

ROBERT SAMUEL SMITH
1263 EMORY STREET
SAN JOSE, CA 95126

EXAMINER

JIANG, SHAOJIA A

ART UNIT	PAPER NUMBER
----------	--------------

1617

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20050720

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

fcc

5.00.

Notice of Non-Responsive Amendment

Applicant's amendment in response to the Office Action dated March 10, 2005 filed on May 4, 2005 canceling all previous claims, in particular claims 7-27 wherein the invention is entirely drawn to the composition herein whereas newly submitting claims 28-31 are entirely directed to the invention of "a method for preparing a disinfecting solution for application to human skin which comprises the steps in operable order" that is independent or distinct from the invention claimed in claims 7-27, is considered non-responsive to the previous Office Action for the following reasons:

Since applicant has received an action on the merits for all pending claims 7-27 as the presented invention dated March 10, 2005, according to MPEP § 819, the general policy of the Office is not to permit the applicant to shift to claiming another invention.

In the instant case, all previously pending claims 7-27 entirely drawn to the composition herein have been shifted by Applicant to another invention a method that is independent or distinct from the claimed composition previously. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using or making the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

Note that a reference to the composition herein would not necessarily be a reference to the method of making herein under 35 USC 103. The composition and method herein have separate consideration as to patentability.

Art Unit: 1617

The application currently contains no pending claims directed to the claimed composition previously. Therefore, the amendment is considered non-responsive to the previous Office Action.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jiang, whose telephone number is (571)272-0627. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, Ph.D., can be reached on (571)272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'S. Anna Jiang', is positioned above the printed name.

S. Anna Jiang, Ph.D.
Primary Examiner
Art Unit 1617
July 20, 2005